

Town & Country Planning Act 1990
Planning (Listed Building and Conservation Areas) Act 1990
Appeal by Karawana Holdings Ltd

Re: New End Nurses Home, 29 New End, London NW3 1JD

REFERENCES:

Planning Inspectorate's Ref: APP/X5210/A/14/2218243
LPA (London Borough of Camden) Ref: 2012/3089/P

Public Inquiry

Summary Proof of Evidence of Adam Hollis

On behalf of *Karawana Holdings Ltd*

31st October 2014

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1.0 PERSONAL BACKGROUND

- 1.1 My name is Adam Hollis. I am a Registered Consultant and Fellow of the Arboricultural Association and a Chartered Environmentalist, Forester and Surveyor with a Masters Degree in Arboriculture and 20 years experience of the consulting sector - including the Forestry Commission Research Branch and Agricultural Development and Advisory Service. I am a UK Registered Expert Witness, trained in single joint expert witness duties. I am a national expert in the valuation of amenity trees: I am the UK representative to the International Society of Arboriculture's Plant Appraisal and Valuation Committee, which provides international guidance on methods of deriving financial estimations of trees' contributions to the landscape and environment.

2.0 PROFESSIONAL INVOLVEMENT

- 2.1 I have been involved in this project since May 2013: I was instructed on 15th May 2013, to take over arboricultural matters, replacing Nick Bentley of Tree Projects, who was unfortunately able to continue with the project.
- 2.2 I first visited the site on the 22nd May 2013, when I undertook a detailed survey of the on-site trees, with a remote survey of the off-site trees. I reviewed the survey on 8th October 2014.

3.0 SITE LOCATION AND DESCRIPTION

- 3.1 New End runs broadly east to west, within a largely residential area, north of Hampstead Village. Christ Church stands adjacent to the northern boundary of the site. The existing property at No. 29 New End comprises former nurses' accommodation, standing within its plot on higher ground, on the north side of New End.
- 3.2 There are 13 surveyed trees on and around the site, of which T4 is category 'A' (High Quality), T1, T6 & T7 are 'B' category (Moderate Quality), T3, T5, T10, T11 & T14 are 'C' category (Low Quality) trees and T2, T8, T9 and T12 are 'U' category trees (Unsuitable for Retention). The location of these trees and their canopies is illustrated on the Tree Constraints Plan attached to the Landmark Trees Report in Appendix 5 of this proof.

4.0 APPEAL SCHEME

- 4.1 The arboricultural reason for refusal of planning permission is:
- 5 *The proposed development and its associated excavation works would result in the removal of a number of trees on the site which are considered to have a high amenity value in the townscape, which would be detrimental to the character and appearance of the streetscene and conservation area, contrary to policy CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) of London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.*

5.0 PLANNING HISTORY (TREES)

5.1 A full history is set out elsewhere (e.g. within the proof of Gareth Fox of Montagu Evans). Table 1 below, provides a chronological list of reports and responses that relate specifically to the trees on site:

Table 1: Chronological List of Tree Reports, Letters and Responses Relevant to Current Appeal

Date Issued	Document Title/Reference	Author	Notes
March 2012	Tree Report to support Application refs: 2012/3089/P and 2012/3092/C	Tree Projects	Prepared under BS 5837: 2005 Reference made to conversation with Tree Officer, Alex Hutson, noting no arboricultural objection subject to conditions to previous scheme.
June 2013 (Reviewed October 2014)	Arboricultural Impact Assessment Report KWA/29NE/AIA/01	Landmark Trees	Recommendations adopted in Committee Report (see below).
22 November 2013	Arboricultural Report Ref. 53375	Landscape Planning	No acknowledgement of AIA by Landmark Trees. Critique of superseded Arboricultural Report by Tree Projects (March 2012)
27th November 2013	Supplementary Letter KWA/29NE/AIA/01Ltr	Landmark Trees	Further information in response to Landscape Planning Report ref: 53375
16th December 2013	Committee Report identifying 174 letters of objection, with 34 additional objection letters following scheme amendments	LB Camden & Objectors	No arboricultural objection raised; adoption of recommendations in Landmark Report (see below).
16 December 2013	Refusal Notice	LB Camden	Reason 5 – removal of trees considered to have a high amenity impact.
26th June 2014	Statement of Case	LB Camden	Proposed tree removals now considered unacceptable
20th August 2014	Statement of Case	Rule 6 Parties	Still referencing previous / superseded Tree Projects Report

5.2 Within the Committee Report dated 16th December 2013, it is noted:

- 6.4.2 High quality trees are to be retained and protected, such as the horse chestnut on the street frontage, 2 maples in the rear garden next to the church, and copper beech in adjoining garden of Lawn House.
- 6.43 The development involves the removal of a number of trees either of low quality or of limited visual amenity. Trees lost will be mitigated through replacement planting.
- 7.1 ...The scheme will retain existing private open space and valuable trees and will provide an adequate amount of soft landscaping and green roofs....

6.0 PLANNING POLICY RELEVANT TO TREES

- 6.1 The relevant policies require that existing trees of value should be retained and any loss as the result of development should be replaced following the principle of 'right place, right tree'. Wherever appropriate, the planting of additional trees should be included in new developments, particularly large-canopied species. This is the guiding principle that the appellant has followed in replacing low quality existing trees with suitable new species, and offering to provide additional planting off-site.
- 6.2 The appellant's proposed landscape scheme would contribute to a high quality natural environment, where the existing, defective trees could not. Similarly, the scheme would help shape the built environment in a positive way that defective ones could not. Healthy trees would also contribute more to the general sense of wellbeing than defective ones and support in their own small way a sense of economic uplift that defective ones could not.
- 6.3 The scheme clearly complies with the stated policy objectives for tree resource management at both local and strategic levels. Furthermore, the principle of tree replacement is an accepted management solution, where appropriate.

7.0 ARBORICULTURAL IMPACT

- 7.1 The Landmark Trees Report (Ref: KWA/29NE/AIA/01) is contained in Appendix 5 of this proof. Within that report it is noted that the principal primary impacts of the appeal proposals are the felling of 5 category 'C' trees T3, T5, T10, T11 and T14 (with 4 further category 'U' trees T2, T8, T9 and T12 to be felled on husbandry grounds/ to facilitate landscaping). The loss of these trees was consistently rated as of low impact, and without significant effect on the visual character of the local conservation area, in the reports of Tree Projects, Landmark Trees and the Committee (see also Sections 8-10 below). Notwithstanding, officers' former considerations, latter concerns over the removal of trees constitute Reason for Refusal No. 5. The appellant's position remains as previously stated that the loss would be addressed in new landscaping proposals (with conditions 8, 9 and 10 proposed to safeguard the retained trees during the redevelopment of the site).
- 7.2 Other primary impacts to retained trees, noted in our report, and commented upon at some length by the Rule 6 Party, do not relate to Reason 5, which refuses only the loss of trees as an impact on the conservation area.

8.0 AMENITY CONTRIBUTION

- 8.1 The scheme will retain existing private open space and valuable trees and will provide a substantial amount of soft landscaping and green roofs (see Section 10 Replacement Planting below).
- 8.2 The development involves the removal of a small number of trees only (5 excluding Category U trees) either of low quality or of limited visual amenity. Trees lost will be more than mitigated through replacement planting: currently, the site frontage is a mess of overgrown scrub in poor condition that does nothing for the conservation area, but perpetuates an air of neglect. Felling and replacement can only improve upon the current situation; it certainly cannot harm the appearance of the conservation area.

9.0 TREES IN RELATION TO CONSTRUCTION (BS5837: 2012)

- 9.1 My involvement with this site has been, and remains, through the lens of British Standards Institute publication, Trees in Relation to Construction BS 5837: 2012 HMSO, London. In BS5837, paragraph 5.1.1 councils are encouraged to exercise its discretion in protecting too many or unsustainable trees:
 - 5.1.1 The constraints imposed by trees, both above and below ground (see Note to 5.2.1) should inform the site layout design, although it is recognized that the competing needs of development mean that trees are only one factor requiring consideration. Certain trees are of such importance and sensitivity as to be major constraints on development or to justify its substantial modification. However, care should be taken to avoid misplaced tree retention; attempts to retain too many or unsuitable trees on a site can result in excessive pressure on the trees during demolition or construction work, or post-completion demands for their removal.
- 9.2 The felling of 5 category 'C' trees T3, T5, T8, T9 and T14 (with 4 further category 'U' trees T2, T6, T7 and T12 to be felled on husbandry grounds/ to facilitate landscaping). Is compatible with BS5837:2012 advice.

10.0 REPLACEMENT PLANTING

10.1 As noted the preceding sections of my proof, the general principle of loss and replacement of trees is acceptable in terms of local and national policy and guidance. The acceptability of such replacement proposals will depend to a great extent upon both what is removed and what is proposed. It is by no means a given, that tree removal should be conceived of as a loss of amenity: not all trees are an amenity and not all trees will continue to provide amenity in the future.

10.2 There will be a total of 26 replacement trees to the front and rear of the site.

Figure 1: overview of replacement tree planting

Trees to Front of site		
	Trees Removed	Replacement Trees (noted against approximate area of felled tree)
	T11 Plum, Myrobalan	6 multi-stem trees & shrubs below/adjacent to T1
	T12 Cherry, Kanzan	Bird Cherry (Prunus Avium)
	T14 Rowan	Bird Cherry (Prunus Avium)
Total:	3	8
Trees to rear of site		
	Trees Removed	Replacement Trees (noted against approximate area of felled tree)
		Rowan / Mountain ash (Sorbus Aucupana)
	T2 Elm, English (NB above multi-stems also within same area)	Flowering Cherry (Prunus Subhirtella)
		Flowering Cherry (Prunus Subhirtella)
		Flowering Cherry (Prunus Subhirtella)
		Field Maple (Acer Campestre)
		Field Maple (Acer Campestre)
		Japanese Cherry (Prunus Serrula)
		Japanese Cherry (Prunus Serrula)
		Japanese Cherry (Prunus Serrula)
	T3 Birch, Silver	Yulan Magnolia (Magnolia Denudata)
		River Birch (Betula Nigra)
	T8 Laburnum	River Birch (Betula Nigra)
	T9 Laburnum	River Birch (Betula Nigra)
	T10 Sycamore	River Birch (Betula Nigra)
		River Birch (Betula Nigra)
	T5 Sycamore	Juneberry (Amelanchier Lamarckii)
		Juneberry (Amelanchier Lamarckii)
		Juneberry (Amelanchier Lamarckii)
TOTAL	6	18

10.3 The new planting will offer considerable enhancement and replaces 4 category 'U' trees (T2, T8, T9 and T12) to be felled on husbandry grounds, in addition to those low quality trees felled to facilitate development. Replacement trees will have the advantage of being specifically selected for the proposed site/surrounding area, healthy and fit-for-purpose (Right Tree Right Place - **London Plan at 7.2.1 (B)**).

10.4 The net position is one of significant enhancement.

11.0 CONCLUSION

- 11.1 Although the proposal will result in the loss of 5 low quality trees (and 4 poor quality ones), the current amenity value provided by those trees is very limited, and their future contribution is doubtful.
- 11.2 In terms of net present amenity value (which takes into consideration both current and future value), their removal is estimated as having a relatively minor impact on the character and appearance of the conservation area. That impact will be more than compensated for by new landscaping, with the provision of substantial on site planting, comprising replacement of the 26 new healthy trees. At the front of the site, where visual amenity is most keenly observed and appreciated, the applicant is replacing 3 sub-optimal trees in and around neglected scrub with 8 new trees in a well-designed landscape.
- 11.3 The scheme has potential to provide betterment to the visual character of the surrounding area. The future visual amenity contribution invested in currently indifferent trees (Category C & U), will be delivered several times over with a diverse range of complementary, native and ornamental species, improving open spaces and encouraging biodiversity, and specifically selected to fit the setting with minimal maintenance requirements.
- 11.4 The proposed development and its associated excavation works would NOT result in the removal of a number of trees on the site which are considered to have a high amenity value in the townscape, which would be detrimental to the character and appearance of the streetscene and conservation area (Reason 5); the development involves the removal of a number of trees either of low quality or of limited visual amenity (Committee Report).
- 11.5 The scheme adheres to policy CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) of London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.
- 11.6 In terms of recent appeal decisions, specifically Barnwell Manor, the scheme provides significant enhancement to the tree resource and its long-term amenity contribution to the conservation area. There is no substantial harm to the wider tree resource or conservation area. It is a perfectly acceptable, even encouraged, aspect of resource management to remove and replace underperforming members to manage the long term and overall delivery of benefits. The provision of substantial mitigation in the form of new planting within a well-designed whole will deliver significantly more benefit into the conservation area than preservation of those existing underperforming and self-sown elements. Insofar as harm and mitigation may be weighed against each other in planning, then the balance is tipped unequivocally in favour of mitigation: the loss is minor, the redress is major.
- 11.5 For the above reasons, it is respectfully requested to the Inspector that this appeal be upheld.